



Filed: 5/13/2005

09400HB0457sam001 LRB094 06809 RLC 46183 a

1 AMENDMENT TO HOUSE BILL 457

2 AMENDMENT NO. _____. Amend House Bill 457 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 3-6 as follows:

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination
17 thereof.

18 (2) In any other instance, within one year after the
19 discovery of the offense by an aggrieved person, or by a
20 person who has legal capacity to represent an aggrieved
21 person or has a legal duty to report the offense, and is
22 not himself or herself a party to the offense; or in the
23 absence of such discovery, within one year after the proper
24 prosecuting officer becomes aware of the offense. However,

1 in no such case is the period of limitation so extended
2 more than 3 years beyond the expiration of the period
3 otherwise applicable.

4 (b) A prosecution for any offense based upon misconduct in
5 office by a public officer or employee may be commenced within
6 one year after discovery of the offense by a person having a
7 legal duty to report such offense, or in the absence of such
8 discovery, within one year after the proper prosecuting officer
9 becomes aware of the offense. However, in no such case is the
10 period of limitation so extended more than 3 years beyond the
11 expiration of the period otherwise applicable.

12 (c) Except as otherwise provided in subsection (a) of
13 Section 3-5 of this Code and subdivision (i) or (j) of this
14 Section, a prosecution for any offense involving sexual conduct
15 or sexual penetration, as defined in Section 12-12 of this
16 Code, where the victim and defendant are family members, as
17 defined in Section 12-12 of this Code, may be commenced within
18 one year of the victim attaining the age of 18 years.

19 (d) A prosecution for child pornography, indecent
20 solicitation of a child, soliciting for a juvenile prostitute,
21 juvenile pimping or exploitation of a child may be commenced
22 within one year of the victim attaining the age of 18 years.
23 However, in no such case shall the time period for prosecution
24 expire sooner than 3 years after the commission of the offense.
25 When the victim is under 18 years of age, a prosecution for
26 criminal sexual abuse may be commenced within one year of the
27 victim attaining the age of 18 years. However, in no such case
28 shall the time period for prosecution expire sooner than 3
29 years after the commission of the offense.

30 (e) Except as otherwise provided in subdivision (j), a
31 prosecution for any offense involving sexual conduct or sexual
32 penetration, as defined in Section 12-12 of this Code, where
33 the defendant was within a professional or fiduciary
34 relationship or a purported professional or fiduciary

1 relationship with the victim at the time of the commission of
2 the offense may be commenced within one year after the
3 discovery of the offense by the victim.

4 (f) A prosecution for any offense set forth in Section 44
5 of the "Environmental Protection Act", approved June 29, 1970,
6 as amended, may be commenced within 5 years after the discovery
7 of such an offense by a person or agency having the legal duty
8 to report the offense or in the absence of such discovery,
9 within 5 years after the proper prosecuting officer becomes
10 aware of the offense.

11 (f-5) A prosecution for any offense set forth in Section
12 16G-15 or 16G-20 of this Code may be commenced within 5 years
13 after the discovery of the offense by the victim of that
14 offense.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Except as otherwise provided in subdivision (j), a
18 prosecution for criminal sexual assault, aggravated criminal
19 sexual assault, or aggravated criminal sexual abuse may be
20 commenced within 10 years of the commission of the offense if
21 the victim reported the offense to law enforcement authorities
22 within 2 years after the commission of the offense.

23 Nothing in this subdivision (i) shall be construed to
24 shorten a period within which a prosecution must be commenced
25 under any other provision of this Section.

26 (j) When the victim is under 18 years of age at the time of
27 the offense, a prosecution for criminal sexual assault,
28 aggravated criminal sexual assault, predatory criminal sexual
29 assault of a child, or aggravated criminal sexual abuse or a
30 prosecution for failure of a person who is required to report
31 an alleged or suspected commission of any of these offenses
32 under the Abused and Neglected Child Reporting Act may be
33 commenced within 20 years after the child victim attains 18
34 years of age.

1 Nothing in this subdivision (j) shall be construed to
2 shorten a period within which a prosecution must be commenced
3 under any other provision of this Section.
4 (Source: P.A. 92-752, eff. 8-2-02; 92-801, eff. 8-16-02;
5 93-356, eff. 7-24-03.)".